

REMARKS

Claims 1-2, 4-7, 9, 11-16 and 18-26 are pending with claims 3, 8, 10, and 17 cancelled by this paper. Applicants acknowledge Examiners Rhee's and Pyon's time and courtesy during the June 5, 2003, personal interview with Applicants' representative James E. Ruland, and Examiner Rhee's time and courtesy during the June 9, 2003, teleconference with Applicants' representative James E. Ruland. These interviews address the outstanding issues in the final office action and are summarized as follows. Applicants acknowledge that the Examiners indicated in the interview summary dated June 5, 2003, that it was not necessary for Applicants to provide a separate record of the substance of the interview. However, in view of the new requirements of the first revision of the 8th edition of M.P.E.P. §713.04, Applicants hereby provide a summary of those interviews.

June 5th, 2003 - Personal Interview

1. No exhibit or demonstration was conducted.
2. Claim 1 was discussed with respect to the claim rejection under 35 U.S.C §112, second paragraph, and claims 1 and 10 were discussed with respect to the claim rejections under 35 U.S.C §103(a).
3. The prior art discussed was U.S. Patent Nos. 4,460,632 (Adur) and U.S. Patent No. 6,436,547 B1 (Toft).
4. With respect to the 35 U.S.C §112, second paragraph rejection, Applicants noted that this rejection was originally raised in the Office Action mailed November 29, 2001, at page 4, and responded to in Applicants' reply filed February 28, 2002. It was also noted that this rejection was subsequently withdrawn in the Office Action mailed April 16, 2002. The Examiners agreed to withdraw this ground of rejection in the present action.

With respect to the prior art rejections, Applicants noted that Adur failed to teach or suggest a polymer A made by co-grafting HDPE with LDPE or metallocene PE. In addition, there was insufficient motivation to make such a modification, and the citation of *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980) to support the rejection was inappropriate. Particularly, *In re Boesch* held that motivation existed for attaining a N_v value

lower than 2.35 because such a motivation was provided by a 1938 article. Applicants submitted that there is no evidence on record that one of skill in the art would have motivation to modify the cited references to render Applicants' invention obvious. Consequently, Applicants respectfully submit that the claims are patentable.

Supererogatorily, Applicants pointed out that the Toft reference was inappropriately cited under 35 U.S.C §102(e) because its 102(e) date is November 17, 2000. However, the Toft patent has a PCT Publication date of October 7, 1999, pre-dating Applicants' filing date of April 6, 2000. Attached hereto is a verified English translation of Applicants' priority application, filed April 6, 1999, to perfect Applicants' foreign priority date.

5. Applicants respectfully submit that results of the Interview are that the 112 rejection was withdrawn and agreement was not reached with respect to the prior art rejections.

June 9, 2003 Teleconference

1. No exhibit or demonstration was conducted.
2. Claims 1, 3, and 10 were discussed with respect to the claim rejections under 35 U.S.C §103.
3. The prior art discussed was U.S. Patent No. 4,460,632 (Adur) and U.S. Patent No. 6,436,547 (Toft).
4. Amendments to claim 1 that are depicted above were discussed during the June 9, 2003, teleconference. Particularly, claim 1 now includes the substantive features of claims 3 and 10. The Examiner indicated that such amendments would render claim 1 patentable over the cited art. In addition, the terminology, "produced by a process" at lines 2 and 3 of claim 1 is deleted. Applicants respectfully submit that the deletion of this terminology does not narrow the scope of claim 1 because claim 1 now defines a coextrusion binder comprising a blend comprising a cogenerated polymer (A) comprising a high-density polyethylene (A1) and a polymer (A2). Consequently, Applicants respectfully submit that these amendments are merely made for clarification and do not narrow the scope of the claims.
5. The results of this teleconference was an agreement to amend claim 1, as depicted above, to permit the application to issue.

Applicants respectfully submit that they have made similar amendments to independent claims 19 and 26 as well as amending the dependency of the dependant claims affected by the cancellation of claims 3, 8, 10, or 17. Consequently, Applicants respectfully submit that the application is in condition for allowance.

Also, Applicants respectfully request acknowledgement of receipt of the certified copy of the French priority application no. 9904262 filed April 6, 2000.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

Respectfully submitted,

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